

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION



JUSTIN GUY, individually and on behalf
of those similarly situated,

Plaintiff,

Case No. 20-12734

v.

HON. MARK A. GOLDSMITH

ABSOPURE WATER COMPANY, LLC

Defendant.

VERDICT FORM

**For questions 1–3, Plaintiffs have the burden of proof by a preponderance of the evidence.
For questions 4–11, Absopure has the burden of proof by a preponderance of the evidence.**

1. Do you find that any of the Plaintiffs worked more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is “No”, do not answer any more questions; your foreperson should sign the verdict form and alert court staff that you have reached verdict.

2. If your answer is “Yes,” then for each Plaintiff answer the questions below.

Justin Guy

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is “no” for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is “yes” for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 7,457

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 7,219

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

[Do not answer this question for this Plaintiff].

John Aniol

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 13,394

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 10,841

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0.5 per month.

Aaron Armstead

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 1,597

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 0

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

6 per month.

Lucas Belonga

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 3,330

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 3,330

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0.83 per month.

Keith Brown

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 12,732

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 7,128

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0 per month.

Dannielle Childs

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 14,209

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 13,071

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

10.75 per month.

Ryan Clendennin

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 4,413

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 0

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0.5 per month.

Caleb Fish

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 51,327

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 54,312

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

2 per month.

Shawn Jacek

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 590

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 590.

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

2 per month.

Gary Johnson, Jr.

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 8,890

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 8,890

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0 per month.

Antony Newkirk

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 4513

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 4513

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

1.5 per month.

Paul Okimoto

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 1191

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 1191

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

1 per month.

Terry Pemberton

a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 2,742

c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 2,742

d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

1.5 per month.

Charles Perry

a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 6,345

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 0

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0.5 per month.

Kevin Phipps

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 10,291

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 5,336

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

11 per month.

Nathan Redmer

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 4100.

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 4100.

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

0 per month.

Ryan Rhodes

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 11,498

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 11,498

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

1 per month.

David Sujkowski

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 3842

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 3842

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

2 per month.

Jordan Tampa

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 4,970

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 4,970

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

2 per month.

Kyle Winconek

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 9,379

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 9,379

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

2 per month

George Woldt

- a) Did this Plaintiff work more than 40 hours in any work week?

☒ Yes ☐ No

If your answer is "no" for this Plaintiff, do not answer any more questions for this Plaintiff.

If your answer is "yes" for this Plaintiff, answer the following questions for this Plaintiff.

- b) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2017?

\$ 206

- c) Assuming the Court finds that this Plaintiff is not exempt from the provisions of the FLSA, how much overtime pay is this Plaintiff entitled to, going back to October 8, 2018?

\$ 206

- d) If you find that this Plaintiff drove a vehicle weighing 10,000 pounds or less, state the number of times per month, on average, that he drove such a vehicle.

5 per month

3. Did Defendant either know or show reckless disregard for whether its conduct was prohibited by the FLSA?

☒ Yes ☐ No

4. At the time Mountain Valley products were shipped to Absopure warehouses, were there specific orders for a specific quantity of a given product to be transported to a specific destination beyond the warehouses?

☐ Yes ☒ No ☐ Not established

5. Were the Absopure warehouses a distribution point from which specific amounts of the Mountain Valley products were sold or allocated?

☒ Yes ☐ No ☐ Not established

6. Was distribution of Mountain Valley products within Michigan specifically arranged only after sale or allocation from storage?

☒ Yes ☐ No ☐ Not established

7. Did Absopure base its determination of product volumes to be shipped from Mountain Valley for reasons that included projections of customer demand?

☒ Yes ☐ No ☐ Not established

8. Did Absopure use tracking and documentation systems for most or all shipments coming into and departing the Absopure warehouses?

☐ Yes ☒ No ☐ Not established

9. Did Absopure ultimately bear the cost of transportation?

☐ Yes ☐ No ☒ Not established

10. Did Absopure finalize its sales with its customer only upon delivery of the Mountain Valley products to the customer locations?

☒ Yes ☐ No ☐ Not established

11. How long on average did Mountain Valley products stay at Absopure warehouses until they were delivered to customers?

☐ Days ☒ Not established

Date: 12/18/2023

s/ Foreperson
Foreperson Signature
In accordance with the Privacy Policy
the verdict form with original signature has been
filed under seal